



In Virginia

Governor Warner Acts on Olmstead, Issuing ...

... Executive Order Number 61 which establishes the Olmstead Initiative, the next step in the Commonwealth's effort to comply with the U.S. Supreme Court's Olmstead decision. The 1999 Supreme Court ruling in *Olmstead v. L.C.* interpreted the Americans with Disabilities Act (ADA) to mean that states must provide services in the most integrated setting appropriate to the needs of qualified individuals with disabilities. The Governor's Olmstead Initiative includes budgetary, policy and programmatic components.

The Governor's budget, released December 17, 2003, includes \$42.5 million to fund programs to comply with the Olmstead decision and to improve services for Virginians with disabilities. Selected budget items, listed in Executive Order 61, include: developing a Medicaid "Buy-in" Program for people with disabilities; funding 160 additional MR waiver slots; and funding 25 new slots for individual and family developmental disabilities support waivers.

Policy initiatives included in Executive Order 61 include the appointment of Julie A. Stanley, currently Assistant Commissioner of the Department of Mental Health, Mental Retardation, and Substance Abuse Services, to serve as the Governor's Office staff member responsible for the Olmstead Initiative. Ms. Stanley will serve as Director of Community Integration for People with Disabilities and will chair an 18-member inter-agency team charged with Olmstead implementation. A representative of the Virginia Board for People with Disabilities will serve on the inter-agency team. Also included in the Governor's Executive Order is Additionally, Executive Order 61 includes formation of a governor-appointed Oversight Advisory Committee, comprised of 15 members representing individuals with disabilities, family members, advocates and service providers, to oversee implementation of the *Olmstead v L.C.* decision in the state and to advise and receive annual reports from the Community Integration Implementation Team.

The full text of Executive Order 61 may be found at www.governor.virginia. Policy Flash readers are encouraged to examine this document which marks a significant step forward for Virginians with disabilities in their efforts to receive services they need in the least restrictive settings. Virginia now ranks among the lowest in the nation in the amount of funding allocated to community-based services for people with disabilities.

In the Nation

⚡ **Senate Voted, Jan 23rd ...**

... to pass the Consolidated Appropriations Act which enables FY '04 appropriations to go forward for programs in health, human services, and education. For state developmental disabilities councils, conference agreements resulted \$73 million in FY '04. This money will be distributed according to provisions in the DD Act to DD Councils in all 50 states and U.S. territories. The conference agreement also included \$14 million in appropriations for voter services programs for people with disabilities -- \$ 9.5 million for payments to states to promote voter access and \$4.5 million for protection and advocacy initiatives regarding voters with disabilities. Appropriations for DD network partners in FY '04 include \$38 million for the protection and advocacy programs and \$26 million for the University Centers of Excellence.

The President will release his proposed FY '05 budget on February 2nd and after that the House and the Senate will begin drafting proposed FY '05 appropriations. The appropriations bills are supposed to be enacted by September 30th, the end of the federal fiscal year, however, this usually does not happen and announcements regarding appropriations are typically made in January of the following year as they are at this time.¹

⚡ **"Money Follows the Person,"....**

... (MFTP) proposal is for a \$1.75 billion five-year demonstration to make Medicaid-funded community-based services more readily available. The idea is not new. It was included in the administration's budget last year and was also introduced as a legislative initiative in the Senate. Nevertheless, no public hearings were held last year on attempts to expand community and person-centered services for people with disabilities and the ideas went no where. The MFTP proposal, however, will spur discussion this year, but analysts do not hold out much hope for serious consideration of any significant disability-related bills until after the election.²

⚡ **The Higher Education Act....**

Is now past due for reauthorization. Disability advocates hope that professional training provisions for disability professionals will be included in the new language.

1 Information adapted for [Policy Flash](#) from NACDD legislative update, Jan 23, 2004.

2 Information adapted or Policy Flash from "Report on Disability Programs," Jan 8, 2004

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